

STATEMENT OF HON. BARBARA J. ROTHSTEIN,
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HOUSE COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON TRANSPORTATION, TREASURY, AND HOUSING AND URBAN
DEVELOPMENT, THE JUDICIARY, DISTRICT OF COLUMBIA

HON. JOE KNOLLENBERG, CHAIRMAN

I am Barbara Rothstein. I have been the Center's director since 2003, and a district judge since 1980. I am pleased to submit the Center's 2007 budget request on behalf of the Center's Board, which the Chief Justice chairs, and which approved this request.

Our 2007 request is for \$23,787,000, a \$1,660,000, or 7.5 percent increase, over 2006. The increase includes \$868,000 for standard adjustments to base, and \$792,000 for nine full-time equivalent positions (twelve positions for nine months).

Before providing more detail on this request, let me provide you with a little background on the Center and its activities. I hope to convey to you the important contribution that the Center makes to the effective and efficient functioning of the federal courts; the Center's careful, cost-effective use of the money Congress has provided us; and my concern about the effects of having received less than full adjustments to base for nine of the last ten years.

I. The Center's Contribution to the Courts

Speaking not only as the Center's director but also as a judge, I can attest to the importance of the Center to the courts. The Center's mission is to provide objective, well-grounded empirical research and balanced, effective educational programs for the courts.

The courts, and particularly the Judicial Conference of the United States, as well as Congress and the public, are regular consumers of the Center's research projects. They rely on the Center for thorough, unbiased, well-documented research. Examples include: examining the impact of the Class Action Fairness Act of 2005 on the resources of the federal courts; providing information to assist judges in handling capital cases; surveying the use of visiting judges that resulted in a guide on how to make effective use of this cost-efficient judicial resource. Not only do projects such as these help judges decide cases efficiently and fairly, they also help the judiciary and Congress make better informed decisions about policies and procedures affecting the courts.

Center education programs are vital to judges and court staff. For new judges, orientation programs enable them to assume their new responsibilities quickly. Continuing education programs bring judges up to date on topics ranging from case-management techniques to new statutes and case law. (For example, last year the Center produced for judges and court staff eleven different programs on the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, using in-person workshops, satellite and video-streaming television programs, and audio conferences. We also posted dozens of summaries, reports, articles, and analyses on the Act on our intranet site.)

Court staff, who play a critical role in supporting judges and ensuring the efficient operation of the courts, rely on the Center for educational programs and materials that help them do their jobs better, for example, integrating new technologies and executing cost-containment strategies. The Center's Professional Education Institute, which provides basic and advanced programs on leadership and management for managers and supervisors at all levels in the courts, is a key component of court staff training.

The Center uses a wide range of tools to deliver education. One reality of the information age is that people can (and expect to) receive information in many different ways. Twenty years ago the Center relied almost exclusively on in-person programs, audiotapes, and hard-copy publications to reach judges and court staff. Around ten years ago we were expanding into satellite television broadcasting, teleconferencing, and use of the Internet and the courts' intranet. In just the last three years we have moved into web-conferencing and streaming video. And all the while we kept—and enhanced—all the earlier modes of delivery. All these delivery means are needed to meet the diverse needs of a diverse population of judges, managers, and staff.

The importance of the Center's educational programs is reflected in their use by the courts. All Center training is voluntary; large numbers of judges and court staff choose to participate in Center programs and use its services because they know the Center's products will help them do their jobs better. In 2005, nearly 11,500 employees of the courts (including over 2,000 judges) attended Center programs in person—over 60 percent of these did so in their own districts. Another 4,000 participated in Center video, audio, and web conferences. Thousands more watched Center television programs, downloaded materials from the Center's intranet site, and used Center publications.

II. The Center Has Managed Its Appropriation Responsibly

Understanding the need for fiscal responsibility, the Center has made careful use of its appropriation each year. As I noted earlier, we use a wide variety of cost-effective delivery tools to provide education and information to judges

and staff efficiently. The various delivery tools we use have enabled us to reach a larger and larger audience for far less money than we could with only one or two of these media—but they also require a highly professional staff with diverse skills in order to take full advantage of these media and to identify and implement newer technologies as they emerge.

In-person programs remain a vital part of our education efforts. Here we economize in several ways. Most staff training (and some judge education) is done by bringing faculty to the courts for local training. Most programs to which participants must travel are conducted in hotels in large cities where we can negotiate reasonable rates and take advantage of competitive airfares. We also conduct smaller seminars in collaboration with several outstanding law schools, enabling us to avoid faculty and overhead costs.

We also stretch our appropriation by working closely with our sister agencies, the Administrative Office of the U. S. Courts and the U.S. Sentencing Commission. We regularly consult with them to avoid duplicative efforts, and we often provide them an opportunity to convey their information to the courts at Center-sponsored programs.

Internally, the Center held to a hard hiring freeze for over three years: 22 full-time employees retired or left the Center in 2003–2005 without a single replacement, reducing our staffing level from 147 to 125. We can no longer sustain this attrition, and in late 2005 we hired two full time employees to fill key vacancies. We will continue to fill only selected vacancies.

Since 2002, the Center has closely controlled pay raises and bonuses for staff. While we have followed the Executive Branch and the rest of the courts in granting the annual ECI and locality pay increases, we have limited additional pay raises each year to 1 percent of total Center salaries, and bonuses to one-quarter of one percent of total Center salaries, each year. While this has helped to control costs, it causes us concern over our competitiveness with public and private employers in hiring and retention.

III. Budget Shortfalls Will Adversely Affect Our Service for the Courts

The Center is grateful for the efforts of Congress to provide \$903,000 in adjustments to its 2006 base. After the application of the 1 percent rescission, however, the Center was again, as in prior years, forced to absorb \$223,500 (25 percent) of those important funding dollars. As I mentioned earlier, the Center has suffered shortfalls in its adjustments to base in all but one of the last ten years. This has effectively reduced our spending power by 17 percent. As described above, in the past three years alone, we have had to compensate for shortfalls by not filling 22 positions that became vacant during that time, thus reducing

our staffing level from 147 to 125. Even as the Center's staff has declined by 15 percent during that time, the courts' needs for its services have continued to grow.

The continued shortfall in our appropriation will erode our ability to provide the quality education and research that the courts need. The tools we have used the last several years – a hiring freeze, salary limits, and other reductions in spending – cannot go on indefinitely without degrading the quality and quantity of work we can perform.

IV. The Center's FY07 Request

Our request for 2007 is modest—standard adjustments to our 2006 base and a small amount to enable us to fill 12 of the most necessary of the 22 vacancies (6 devoted to our education and distance learning efforts; 3 to our ever-increasing number of research projects; and 3 to our automation and technology function). These few positions will return the Center to its fiscal year 2005 staffing level of 134. That is still far below the 158 staff employed by the Center in the early nineties, but with these resources we can continue to help the courts prepare for and meet the many substantive, procedural, and operational challenges they face.

Thank you for your careful consideration of our request. I would be pleased to respond to any questions you may have.